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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,983	08/13/2001	Barry J. Gilhuly	1400-1072 P6	8317

54120 7590 01/25/2010

RESEARCH IN MOTION
ATTN: GLENDA WOLFE
BUILDING 6, BRAZOS EAST, SUITE 100
5000 RIVERSIDE DRIVE
IRVING, TX 75039

EXAMINER

STRANGE, AARON N

ART UNIT	PAPER NUMBER
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2448

NOTIFICATION DATE	DELIVERY MODE
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01/25/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09928983	8/13/2001	GILHULY ET AL.	1400-1072 P6

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EXAMINER

AARON STRANGE

ART UNIT	PAPER
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2448	20100114
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Commissioner for Patents

1. Newly submitted claims 226-241 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: New claims 226-241 are directed to a method/system for distributing keys to be used for encryption of data items sent between a messaging server and a mobile device. In contrast, the previously presented claims were directed to a method/system for redirecting encrypted data items.

It is noted that applicant's claims no longer contain any limitations directed to redirecting data items, which was the primary focus of the original claims presented on 8/13/2001, and that Applicant has characterized the new claims as intended to obtain coverage for "hitherto unclaimed subject matter" (Remarks 9). However, the appropriate mechanism for presenting claims directed toward previously unclaimed subject matter is a continuation application, not an application which has previously received an Office action on the merits.

Since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 226-241 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The reply filed on 10/30/2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): All pending claims are directed to a non-elected invention. Applicant must cancel the pending claims and present claims directed to the originally elected invention, or abandon the present application. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/Aaron Strange/
Primary Examiner, Art Unit 2448